

UNIVERSITY OF TORONTO

LAW 218H1

PRIVATE INTERNATIONAL LAW

2008 CASES, LEGISLATION AND RELATED MATERIALS

VOLUME 2

BARRY GLASPELL
BORDEN LADNER GERVAIS LLP
40 King Street West
Suite 4100
Toronto, Ontario
M5H 3Y4

416-367-6104 (tel)
416-361-7051 (fax)
bglaspell@blgcanada.com

UNIVERSITY OF TORONTO

LAW 218H1

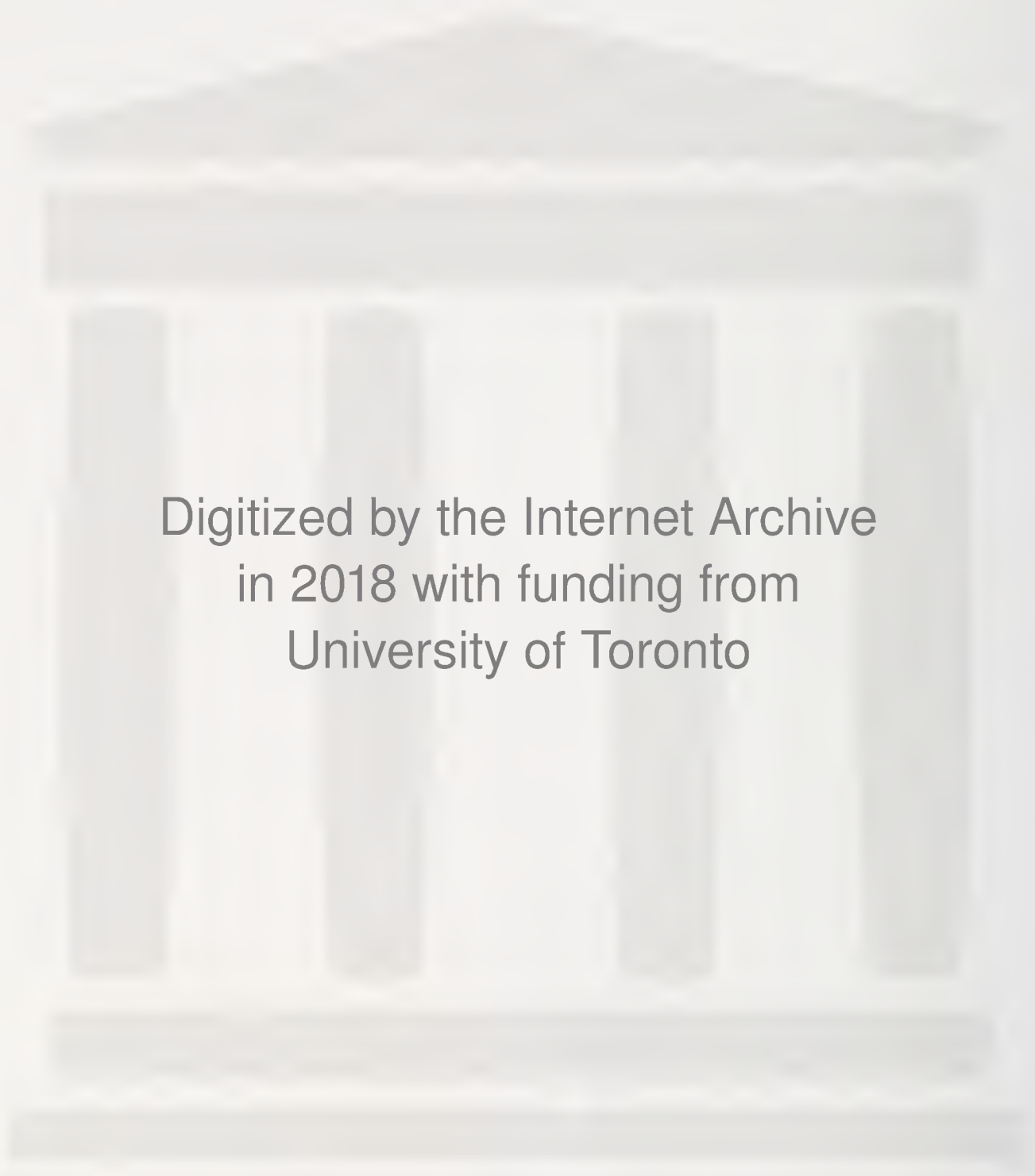
PRIVATE INTERNATIONAL LAW

2008 CASES, LEGISLATION AND RELATED MATERIALS

VOLUME 2

**BARRY GLASPELL
BORDEN LADNER GERVAIS LLP
40 King Street West
Suite 4100
Toronto, Ontario
M5H 3Y4**

**416-367-6104 (tel)
416-361-7051 (fax)
bglaspell@blgcanada.com**



Digitized by the Internet Archive
in 2018 with funding from
University of Toronto

<https://archive.org/details/privateinternati02glas>

VOL. 2. -- PRIVATE INTERNATIONAL LAW

Class Actions

<i>Wilson v. Servier Canada Inc.</i> (2000), 50 O.R. (3d) 219 (S.C.); (2000), 52 O.R. (3d) 20 (Div. Ct.) (leave denied); leave to S.C.C. denied; see also [2003] O.J. No. 179 (S.C.); [2003] O.J. No. 157 (S.C.); (2002), 59 O.R. (3d) 656 (S.C.); appeal to C.A. quashed	1
<i>Vitapharm Canada Ltd. v. F. Hoffmann – La Roche Ltd.</i> , [2002] O.J. 298 (S.C.); appeal quashed [2002] O.J. 2010 (C.A.)	16
<i>McCutcheon v. The Cash Store Inc.</i> , [2006] O.J. 1860 (S.C.)	25
<i>Ward v. Canada (Attorney General)</i> , [2007] M.J. 372 (C.A.)	34
<i>Ring v. Canada (Attorney General)</i> , [2007] N.J. 419 (S.C.)	46
<i>Tiboni v. Merck Frosst Canada Ltd.</i> , [2008] O.J. 2996 (S.C.)	55
<i>Stanway v. Wyeth Canada Inc.</i> , [2008] B.C.J. 1212 (S.C.)	63

Treaty

<i>Bayview Irrigation District #11 v. Mexico</i> , [2008] O.J. 1858 (S.C.)	69
--	----

D. FORUM NON CONVENIENS

Canada

<i>Eastern Power Limited v. Azienda Comunale Energia and Ambiente</i> (1999), 178 D.L.R. (4th) 409 (Ont. C.A.); leave to SCC denied [1999] S.C.C.A. 542	74
<i>Incorporated Broadcasters Limited et al. v. CanWest Global et al.</i> , [2003] O.J. 560 (C.A.); leave to SCC denied December 11, 2003	81
<i>Impulsora Turistica de Occidente v. Transat Tours Canada</i> , [2007]	86

S.C.J. 20

Hayes v. Peer 1 Network Inc. (2007), 86 O.R. (3d) 475 (Div. Ct.) 88

Lombard General Insurance Co. of Canada v. Cominco Ltd., [2007] B.C.J. 841 (C.A.); leave to S.C.C. granted November 29, 2007 91

United Kingdom

Spiliada Maritime Corp. v. Cansulex Ltd., [1987] A.C. 460 (H.L.) 101

Lubbe and others v. Cape plc, [2000] 1 W.L.R. 1545; [2000] 4 All E.R. 268 (H.L.) 118

United States

Elmi v. Nissan North America et al., April 21, 2004 (Dist. Ct.) 123

Steven Moore v. Todd Bertuzzi (Colorado District Court 2005) 131

E. ANTI-SUIT INJUNCTION

Canada

Amchem Products Inc. v. British Columbia (Workers Compensation Board), [1993] 1 S.C.R. 897 138

O.T. Africa Line Ltd. v. Magic Sportswear Corp., [2005] EWCA 710 (C.A.); [2006] F.C.J. 1292 (C.A.) 158

McCann v. CP Ships Ltd., [2008] O.J. 2050 (S.C.) 179

United Kingdom

Airbus Industrie G.I.E. v. Patel, [1999] 1 A.C. 119 (H.L.) 183

Turner v. Grovit and Others, [2004] E.C.J. C118 / 21; [2002] 1 WLR 107 (H.L.) 190

West Tankers Inc. v. RAS Riunione Adriatica di Sicurta SpA and others, [2007] UKHL 4 196

F. INTERIM MEASURES IN PRIVATE INTERNATIONAL LITIGATION

“Worldwide” Mareva Injunctions

United Kingdom

Mareva Compania Naviera S.A. v. Int’l Bulk Carriers S.A., [1975] 2 Lloyd’s Rep. 509 (C.A.) 201

Babanaft International Co SA v. Bassatne and another, [1989] 1 All E.R. 433 (C.A.) 205

Republic of Haiti v. Duvalier, [1989] 1 All E.R. 456 (C.A.) 206

Derby & Co. v. Weldon No 2, [1989] 2 W.L.R. 276 (C.A.); [1989] 2 W.L.R. 412 (C.A.) 211

Bank of China v. NBM LLC, [2002] 1 Lloyd’s Rep. 506 (C.A.) 215

Dadourian Group International Inc. v. Simms, [2006] 3 All E.R. 48 (C.A.) 219

United States

Grupo Mexicano de Desarrollo, S.A. v. Alliance Bond Fund, Inc., 119 Sup. Ct. 1961 (1999) 229

Canada

United States of America v. Friedland, [1996] B.C.J. 2845 (B.C.S.C.); [1996] O.J. 4399 (Gen. Div.) (headnote) 237

United States v. Levy (1999), 45 O.R. (3d) 129 (Gen. Div.) 239

United States of America v. Yemec et al. (2005), 75 O.R. (3d) 52 (Div. Ct.); [2004] O.J. 122 (C.A.); (2003), 67 O.R. (3d) 394 (S.C.) 247

Sun-Times Media Group, Inc. v. Black, [2007] O.J. 795 (S.C.) 254

Courts of Justice Act, s. 101; *Rules of Civil Procedure*, Rule 40.01 261

International Law as Public Policy – Non-Recognition of Foreign Law

Kuwait Airways Corp. v. Iraqi Airways Co, [2002] 3 All E.R. 209 (H.L.); 468
[2002] 2 A.C. 883 (H.L.)

“Blocking Statutes” – Defeating Foreign Exercise of Legislative /
Adjudicative Power

Southern New England Telephone Company v. Zrihen, [2007] Q.J. 2595 473
(S.C.)

Business Records Protection Act, R.S.O. 1990, c. B.19 479

Foreign Extraterritorial Measures Act, R.S.C. 1985, F-29 481

Personal Information International Disclosure Protection Act, S.N.S. 490
2006, c. 3